

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Case No. 5:05CV201-2-MU

FILED
CHARLOTTE, N.C.

2005 MAY 16 PM 3: 07

U.S. DISTRICT COURT
W. DIST. OF N.C.

TYRONE LEWIS TUCKER

Plaintiff(s),

VS

DR. LAURIE BUMGARNER

Defendant(s)

ORDER

The Court has received the civil rights complaint in the above-captioned action.
You, the plaintiff must provide the following information to the court:

 X In accordance with 42 U.S.C. §1997e, the plaintiff shall demonstrate exhaustion of all administrative remedies available . Accordingly, the plaintiff is ordered to file a sworn statement, subject to the penalty of perjury, showing exhaustion of remedies or a copy of the grievance itself. In the event no grievance procedure exists, the plaintiff is ordered to file a sworn statement, subject to penalty of perjury, stating that fact.

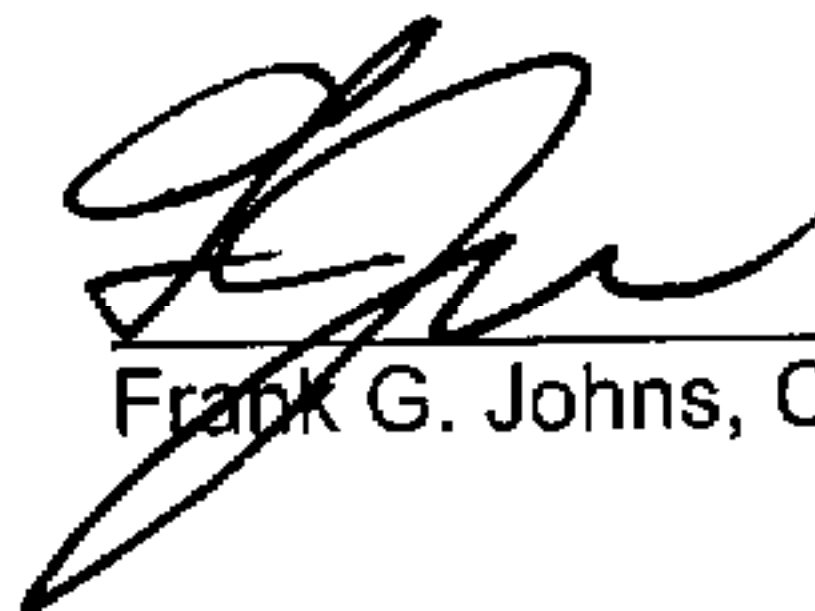
 X In accordance with 28 U.S.C. §1915, a certified copy of the plaintiff's trust fund account statement shall be provided to the court (or institutional equivalent) for the six (6) month period immediately preceding the filing of this complaint, furnished by the appropriate official of each prison at which the plaintiff is or was confined. By copy of this Order, the designated DOC official is hereby notified of this requirement and is required to provide a certified copy of the Plaintiff's trust fund account statement (or institutional equivalent) for the 6-month period immediately preceding the date of this order. Plaintiff should not take further action on this request unless notified by the Court.

The Court hereby advises the plaintiff that federal law requires a plaintiff in a civil action to pay a filing fee of \$ 250.00. After submission of the trust fund information, the Court will assess the plaintiff's ability to pay the entire amount in one payment. If the Court determines that the plaintiff does not have sufficient funds to pay the filing fee at one time, the court will assess an initial partial filing fee. After payment of the initial partial filing fee, monthly payments of 20 percent of the deposits made to his or her trust fund during the preceding month will be deducted from the plaintiff's trust fund account and forwarded to the district court each time the account balance exceeds \$10.00. Payments will continue until the entire \$ 250.00 fee has been paid in full.

THEREFORE, IT IS HEREBY ORDERED that within twenty (20) days of this Order, the plaintiff is ordered to provide the above-requested information. Failure to comply with this Order will result in dismissal of this action.

IT IS FURTHER ORDERED that the correctional facility is to provide the required financial information.

SO ORDERED, this 17 day of May, 2005.



Frank G. Johns, Clerk of Court

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TYRONE LEWIS TUCKER

Plaintiff(s),

vs

DR. LAURIE BUMGARNER

Defendants.

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement.

(Please choose the box that applies to your action):

_____ There are no grievance procedures at the correctional facility at which I am being confined.

_____ This cause of action arose at _____, and I am now being housed at _____. Therefore, I do not believe I have administrative remedies available at this time.

_____ I have exhausted my administrative remedies and have attached copies of grievances demonstrating completion.

_____ I have not exhausted my administrative remedies.

I declare under penalty of perjury that the foregoing is true and correct.

Date

Signature of Plaintiff